

Fw: Five Mile Creek - Access - City of Birmingham

Stephen Smith to: Ronald Saskowski

01/28/2013 04:56 PM

Cc: Jeffery Crowley, StephanieY Brown

Ron,

Can you please add the below email and attachment to SDMS for the Five Mile Creek Superfund Site in Birmingham, AL? Thanks so much.

Stephen P. Smith
U.S. Environmental Protection Agency, Region 4
Office of Environmental Accountability
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Ph: (404) 562-9554
Fax: (404) 562-9486
smith.stephen@epa.gov

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----- Forwarded by Stephen Smith/R4/USEPA/US on 01/28/2013 04:55 PM -----

From: "Stanley, James C." <James.Stanley@ci.birmingham.al.us>
To: Stephen Smith/R4/USEPA/US@EPA
Cc: Jeffery Crowley/R4/USEPA/US@EPA, "Claussen, Laura" <Laura.Claussen@ci.birmingham.al.us>
Date: 01/28/2013 04:52 PM
Subject: RE: Five Mile Creek - Access - City of Birmingham

Stephen,

I have attached a signed PDF copy of the Access Authorization. Per our discussion, I will leave the original for pick up by Stephanie Brown at the front desk of the Law Department. We are located on the 6th Floor of Birmingham City Hall. Our street address is listed below. Please contact me if I can be of further assistance.

Jim

James C. Stanley
Chief Assistant City Attorney
City of Birmingham
Room 600 City Hall
710 North 20th Street
Birmingham, AL 35203
(205) 254-2369

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From: Smith.Stephen@epamail.epa.gov [mailto:Smith.Stephen@epamail.epa.gov]

Sent: Wednesday, January 23, 2013 4:28 PM

To: Stanley, James C.

Cc: Crowley.Jeffery@epamail.epa.gov

Subject: Five Mile Creek - Access - City of Birmingham

Jim,

As discussed, attached is a PDF copy of the sampling access letter (which includes the access authorization) sent to the City of Birmingham in mid-December regarding the Five Mile Creek Superfund Site in Birmingham, Alabama. Please keep me updated while working to get the access authorization signed. If it continues into next week, we may arrange for one of the EPA's staff in Birmingham to pick up the signed access authorization rather than you mailing it back to our Atlanta office. The EPA hopes to begin sampling on City of Birmingham property as soon as possible. Thanks so much and let me know if you have any questions.

(See attached file: Five Mile Creek - Access Letter - City of Birmingham (Signed Copy) (12-13-12).PDF)

Stephen P. Smith
U.S. Environmental Protection Agency, Region 4
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Atlanta, Georgia 30303
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sender immediately by email and delete all copies of the message. EPA-Five Mile Creek.pdf

ACCESS AUTHORIZATION

1. I, William A. Bell, Sr., am the Mayor of the City of Birmingham, Alabama, and as such have the authority to sign this authorization.

2. I grant authorization to the United States Environmental Protection Agency (EPA), its officers, employees, contractors, and other authorized representatives to enter City-owned property identified as Parcel ID Nos. 012200022000001001, 012200021000001001, 011400363000001002 and 012200012000002000 (Property). This authorization allows the EPA, its officers, employees, contractors, and other authorized representatives to have access to the Property in order to conduct additional sampling of Five Mile Creek. The EPA's activities at the Property will include, but not be limited to, sampling surface water, sediment, and soil in and along Five Mile Creek and its tributaries, including along the overbank and adjacent floodplain of Five Mile Creek, and transporting equipment onto and about the Property as necessary to accomplish such sampling. The purpose of the sampling is to delineate the extent of contamination, investigate possible sources of contamination, and collect samples downstream of areas previously sampled in April 2012.

3. The consent for access and use granted herein will commence on January 1, 2013, and will continue until April 1, 2013.

4. I have been notified that these actions by the EPA are undertaken pursuant to its response authority under Section 104(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), 42 U.S.C. Section 9604(a).

5. I have been notified that parties found responsible pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), may be liable for all costs the EPA incurs in connection with the response which are not inconsistent with the National Contingency Plan (NCP), at 40 CFR Part 300. However, my signature on this Access Authorization does not constitute an admission of liability under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

6. Please return this signed and dated Access Authorization to:

Jeffery Crowley, On-Scene Coordinator
Emergency Response and Removal Branch
Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303

Date: January 26, 2013

Name: William A. Bell, Sr.

(Signature)

Name: William A. Bell, Sr.

(Please Print)

Title: Mayor

Company: City of Birmingham

Approved as to Form by Law Department:

Jess C. Staley January 25, 2013
Chief Assistant City Attorney/Date

Address:

710 North 20th St. Birmingham, AL 35203